IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

WA.No. 2570 of 2007

AGAINST THE JUDGEMENT IN OP.NO.9032 OF 1999, DATED 13.9.2007

APPELLANT: RESPONDENTS 2 TO 14

1. K.G.UNNI,
   S/O. GOPALAN NAIR, KEZHAKKEKUTTY HOUSE,
   VIDANGARA, KANJIRAMATTOM P.O.

2. K.M.XAVIER,
   S/O. K.V.MEENKU, KANNAMALY HOUSE,
   KANNAMALY P.O., COCHIN-682 008.

3. K.HARIDAS,
   S/O.KUNJUNNY, KEETTUPARAMBU,
   KULASEKHARAMANGALAM ,VAIKOM.

4. K.D.DAVID,
   S/O.DEVASSYKUTTY, KALLELI HOUSE,
   VAOPPALASSERY P.O., ANGAMALY.

5. BABU.K.R.,
   S/O.RAMAKRISHNAN, THOPPUPARAMBIL,
   PALLURUTHI VELI, COCHIN-682 006.

6. VIJAYAKUMAR.M.D.,
   S/O.DAMODARA KAIMAL,MUKKOOTUTHARA MADOM,
   NORTH MAZHUVANNUR, MUVATTUPUZHA.

7. BAIJU,
   S/O.APPACHAN, CHITTUPARAMBIL,
   T.V.PURAM P.O. VAIKOM.

8. THAOMAS,
   S/O. T.K.OUSEPH,THEKKEN MALLAMPILLY HOUSE,
   MELOOR P.O.,NADUTHURUTHU,
   CHALAKUDY,TRICHUR. (EXPIRED)

9. DASAN,
   S/O. VELAYUDHAN, KANNUPARAMBATH,
   CHETTIKULAM, KURUMASSERY P.O., ALWAYE.

10. SURESH,
    S/O.K.S.RAMAKRISHNAN, THOPPUPARAMBIL,
    PALLURUTHY VELI, COCHIN-6.

11. P.N.UNNIKRISHNAN,
S/O.NARAYANAN NAIR, MARATH,
PARAKKADVU P.O.,ALWAYE

12. V.K.LALY,
W/O.XAVIER, MANAKKAL HOUSE,
GIRINAGAR, COCHIN-682 020.

13. M.SARADA,
W/O.SREEDHARAN,VARRIAM VEETTIL
KULASEKHARAMANGALAM, VAIKOM.

14. MARY,
W/O. THOMAS, THEKKAN MALLAMPILLY
MELOOR P.O., NADUTHURUTH,
CHALAKKUDY, THRISSUR.

BY ADV. SMT.AYSHA YOUSEFF

RESPONDENTS:

1. THE LABOUR COURT, ERNAKULAM.

2. KERALA STATE CIVIL SUPLIES CORPORATION
REPRESENTED BY ITS MANAGING DIRECTOR,
MAVELI BHAVAN,GANDHI NAGAR, COCHIN-20.

3. THE ADDITIONAL GENERAL MANAGER
(PERSONAL & ADMINISTRATION),
CHAIRMAN, SUPPLYCO CANTEEN COMMITTEE,
MAVELI BHAVAN,GANDHI NAGAR, COCHIN-20.

BY ADV. SRI.R.LAKSHMI NARAYAN,SC FOR SUPPLY CO.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 29/10/2007,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.A. NO. 2570 OF 2007

Dated this the 29th October, 2007

JUDGMENT

H.L.DATTU, C.J.

The judgment delivered by the learned single Judge in O.P.No.9032 of 1999, dated 13th September, 2007, is the subject matter of this Writ Appeal.

2. While disposing of the Original Petition, the learned single Judge has directed the Labour Court, Ernakulam to take Ext.P1 on its file and pass appropriate orders in accordance with law after adverting to the contentions of the parties to the lis and also on the basis of the materials on record.

3. Learned counsel, Smt.Aysha Youseff, appearing for the appellants would submit that the appellants may be permitted to lead evidence in support of their contention that the petitioners in the Original Petition are the principal employers and, therefore, a direction may be issued to the Labour Court to permit both the parties to lead their evidence, if any, before passing a final order.

4. In our opinion, the request of the appellants is reasonable and if it is granted, no prejudice would be caused to both the parties. Therefore, we modify the orders passed by the learned single Judge as under:

i) Labour Court, Ernakulam shall take Ext.P1 on its file.

ii) The Labour Court will permit both the parties to the proceedings to lead their evidence, if any. After recording the evidence of the parties to the lis, the Labour Court is directed to pass a fresh order in accordance with law.

5. In view of the order passed in the Writ Appeal, the relief sought for in

I.A.No.877 of 2007 need not be considered by this Court. Accordingly, the said application is rejected.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/